

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Brodrick Jamar Jenkins,

Plaintiff,

-vs-

Stutsman County Correctional Center  
Commissioner Chairman, Mark T. Klose  
(in his official capacity), Tracey Trapp,  
Stutsman County Correctional Center  
Administration Officer (in her official  
and individual capacity), Jolene  
Unknown Last, Stutsman County  
Correctional Center C.B.M. Managed  
Service manager (in her official and  
individual capacity), and Marlin C.  
Sejnoha, Jr., C.B.M. Managed Service  
C.E.O.,

Defendants.

Case No. 3:13-cv-67

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, recommending that the court find Plaintiff Brodrick Jenkins (“Jenkins”) failed to exhaust his administrative remedies as to his federal law claims, that the court decline to exercise supplemental jurisdiction over the remaining claims, that the motions for summary judgment be granted, and that the complaint be dismissed without prejudice.<sup>1</sup> In the alternative, the magistrate judge recommends that the court find Jenkins has failed to identify any genuine issue of material fact, that the motions for summary judgment be granted, and that Jenkins’ complaint be dismissed with prejudice as to his federal claims. Jenkins has not filed

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<sup>1</sup> Doc. #68.

objections within the prescribed time period.

After reviewing the record and considering the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the claims and recommendations for disposition are appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, the procedural defects warrant dismissal. Moreover, Jenkins' federal claims are hereby dismissed with prejudice for failure to raise a genuine issue of material fact. Jenkins' remaining claims are dismissed without prejudice. For these reasons, the defendants' motions for summary judgment<sup>2</sup> are granted and Jenkins' amended complaint<sup>3</sup> is hereby dismissed.

The court finds that any appeal would be frivolous, cannot be taken in good faith, and may not be taken *in forma pauperis*.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 30th day of March, 2015.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court

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<sup>2</sup> Docs. #54 & 58.

<sup>3</sup> Doc. #14.